

Alan P. Morel, P.A.

Attorney at Law

700 Mechem Drive, Suite 12
Post Office Box 1030
Ruidoso, New Mexico 88355-1030

Jira Plaza
Telephone (575) 257-3556
Facsimile (575) 257-3558

July 31, 2018

BY EFILE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**RE: In the Matter of Connect America Fund; WC Docket No. 10-90
Support of the Petitions for Reconsideration of Mescalero Apache Telecom,
Inc. and Sacred Wind Communications, Inc.**

Dear Ms. Dortch:

On May 30 and May 31, 2018 Mescalero Apache Telecom, Inc., (“MATI”) and Sacred Winds Communications, Inc. (“Sacred Wind”) separately filed petitions for reconsideration¹ of the Commission’s *Tribal Opex Order*.² The petitions both sought reconsideration of the condition adopted in the *Tribal Opex Order* limiting relief to carriers who have not deployed broadband service of 10 Mbps download/1 Mbps upload to 90 percent or more of the housing units on the Tribal lands in their study area (“the 90 Percent Condition”). Rather than relying on Form 477 data to determine whether a carrier is subject to this condition, MATI requested that it be permitted to submit actual data to demonstrate that its deployment levels at the 10/1 benchmark are below 90 percent. Similarly, Sacred Wind recommended that the Commission consider an alternative source of information – the location data per funded census block from the Alternative Connect America Cost Model – to more accurately determine its 10/1 Mbps broadband deployment status.

MATI agrees with the comments of the National Tribal Telecommunications Association (“NTTA”) that “the Commission should accept the methods presented by each carrier and provide the relief sought.”³ In addition to NTTA, NTCA – The Rural Broadband Association also supports both petitions, stating that “NTCA has long shared the perspective that operating challenges are uniquely greater for entities of all kinds that serve tribal areas, and therefore

¹ Petition for Reconsideration of Mescalero Apache Telecom Inc., WC Docket No. 10-90 (filed May 30, 2018) (“MATI Petition”); Petition for Reconsideration of Sacred Wind Communications, Inc., WC Docket No. 10-90 (filed May 31, 2018) (“Sacred Wind Petition”).

² Connect America Fund, Report and Order, FCC 18-37 (rel. Apr. 5, 2018) (“Tribal Opex Order”).

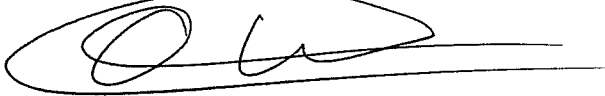
³ Comments of National Tribal Telecommunications Association at 4, available at https://ecfsapi.fcc.gov/file/10723146959028/NTTA%20MATI%20SWC%20PFR%20Comments_final.pdf.

recommends that the Commission grant these petitions.”⁴

While NTTA and NTCA each voiced support for the MATI and Sacred Wind Petitions, no parties oppose them. Therefore, consistent with steps the Commission has taken with respect to other high-cost program rules limiting support based on Form 477 deployment data,⁵ the Commission should grant the requests of Sacred Wind and MATI to submit alternative sources of information – including actual deployment data – in order to avail themselves of the relief provided in the *Tribal Opex Order*. Upon granting the petition, the Commission should instruct the Wireline Competition Bureau to work with those carriers seeking to demonstrate their actual deployment is below 90 percent to provide a quick resolution to their requests.

Respectfully Submitted by:

ALAN P. MOREL, P.A.

A handwritten signature in dark ink, appearing to read 'Alan P. Morel', is written over a horizontal line. The signature is stylized with a large, loopy initial 'A' and a cursive 'M'.

Alan P. Morel
General Counsel for MATI
APM/sko

cc: Godfrey Enjady, MATI General Manager

⁴ Comments of NTCA – The Rural Broadband Association at 42, available at <https://ecfsapi.fcc.gov/file/106251154700786/06.25.18%20USF%20Budget%20NPRM%20Reply%20Comments%20FINAL.pdf>.

⁵ See MATI Petition at 5-6.